

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Pinky's Aggregates, Inc.,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT
)	AND RECOMMENDATION
vs.)	
)	Case No. 4:14-cv-12
Atlantic Building Systems, LLC,)	
d/b/a Armstrong Steel Corporation,)	
)	
Defendants.)	

The Plaintiff, Pinky's Aggregates, Inc. ("Pinky's"), initiated this breach of contract action against Atlantic Building Systems, LLC ("Atlantic") in January 2014. See Docket No. 1-1. Atlantic removed the action to federal court in February 2014. See Docket No. 1. On February 12, 2014, Atlantic filed a motion to dismiss in favor of arbitration or, in the alternative, to stay proceedings pending completion of arbitration. See Docket No. 3. The motion was referred to Magistrate Judge Karen K. Klein for a Report and Recommendation. See Docket No. 16. On June 19, 2014, Judge Klein issued her Report and Recommendation which recommended the motions be denied because "Pinky's claims extend beyond the narrow scope of the contracts containing the arbitration clauses." See Docket No. 16, p. 2. Atlantic filed an objection on July 7, 2014. See Docket No. 17.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 16) in its entirety and **DENIES** the Defendant's motion to dismiss (Docket No. 3), the motion to stay (Docket No. 6), and the motion for hearing (Docket No. 9).

IT IS SO ORDERED.

Dated this 11th day of August, 2014.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court